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Patent DAE
Attorney's Docket No. 040000-854

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Patent Application of)

Per JOHANSSON et al.)

Group Art Unit: Unassigned)

Application No.: 09/994,803)

Examiner: Unassigned)

Filed: November 28, 2001)

For: FLEXIBLE INTER-NETWORK)
COMMUNICATION SCHEDULING)

**PETITION TO THE COMMISSIONER FOR ACCEPTANCE OF
RESUBMITTED FORMAL DRAWINGS AND REQUEST THAT
A FILING DATE OF NOVEMBER 28, 2001 BE ACCORDED
UNDER 37 C.F.R. §§ 1.53(e) AND 1.17(h),
ALONG WITH A REQUEST FOR REFUND**

Attn: Office of Petitions
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice of Incomplete Nonprovisional Application dated December 10, 2001 (copy included herewith), Applicants respectfully submit that 13 sheets of drawings were submitted with patent application no. 09/994,803 on November 28, 2001 and respectfully request that the original filing date of November 28, 2001 be accorded to the patent application.

As evidence that the 13 sheets of drawings were submitted on November 28, 2001, Applicants submit herewith:

1. A copy of the executed Utility Patent Application Transmittal Letter dated November 28, 2001 indicating distinctly that 13 sheets of formal drawings were being submitted.

2. A filing receipt including a USPTO office date stamp dated November 28, 2001. The filing receipt specifically indicates 13 sheets of drawings numbered 1- 8E were submitted with the application.

3. A return postcard including the assigned serial number 09/994803 and November 28, 2001 filing date that is postmarked December 1, 2001. The return postcard specifically indicates 13 sheets of drawings numbered 1- 8E were submitted with the application.

Further, each of the Transmittal Letter, filing receipt including the office stamp, and return postcard, indicate that 13 pages of drawings (Figs. 1-8E) were submitted with the application on November 28, 2001, without any notation on these documents by the USPTO to the contrary. As noted in MPEP § 503, a postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all items listed thereon on the date stamped thereon by the USPTO. Therefore, Applicants respectfully submit that 13 sheets of drawings were submitted and the filing of Application No. 09/994,803 was complete on November 28, 2001, and Applicants hereby request that a filing date of November 28, 2001 be correctly accorded.

For convenience, Applicants also submit herewith a copy of the 13 sheets of formal drawings as originally submitted on November 28, 2001.

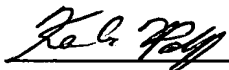
As required by 37 CFR 1.17(h) a check for the Petition fee of \$130.00 is enclosed. However, Applicants respectfully request a refund of the \$130.00 Petition fee because the drawings were properly submitted by the Applicants and subsequently misplaced within the USPTO after filing.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Should any remaining concerns exist, the Commissioner or Office of Petitions is kindly invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 
Kevin Alan Wolff
Registration No. 42,233

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: December 28, 2001

APR 15 2002

Patent
Attorney's Docket No. 10400-854

(7/01)

☐ Please amend the specification by inserting before the first line the sentence:

--This application is a continuation of International Application No. _ filed on __, which International Application ☐ was ☐ was not published by the International Bureau in English on __--.

☐ Small entity status is hereby claimed.

☒ The filing fee has been calculated as follows ☐ and in accordance with the enclosed preliminary amendment:

CLAIMS					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$710.00 (101)
Total Claims	36	MINUS 20 =	16	× \$18.00 (103) =	288.00
Independent Claims	5	MINUS 3 =	2	× \$80.00 (102) =	160.00
If multiple dependent claims are presented, add \$270.00 (104)					
Total Application Fee					1,158.00
If small entity status is claimed, subtract 50% of Total Application Fee					
Add Assignment Recording Fee \$40.00 (581) if Assignment document is enclosed					40.00
TOTAL APPLICATION FEE DUE					1,198.00

☐ This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.

☒ A check in the amount of \$ 1,198.00 is enclosed for the fee due.

☐ Charge \$ _____ to Deposit Account No. 02-4800 for the fee due.

☒ The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Please address all correspondence concerning the present application to:

Ronald L. Grudziecki
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: November 28, 2001

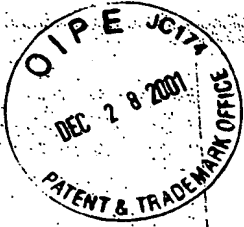
By: Kevin Alan Wolff
Registration No. 42,233

P.O. Box 1404
Alexandria, Virginia 22313-1404
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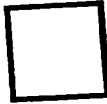
Unassigned

Appl. No. (14) Date: November 28, 2001

Inventor: Per JOHANSSON et al. Work Atty: RLG/KAW:ats

Docket No.: 040000-854 Title: FLEXIBLE INTER-NETWORK COMMUNICATION SCHEDULING

The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:



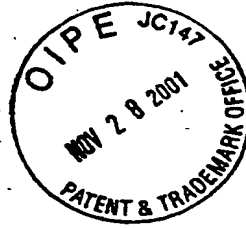
The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Utility Patent Application Transmittal | <input checked="" type="checkbox"/> Executed Declaration/Power of Attorney | <input checked="" type="checkbox"/> Check for \$ <u>1,198.00</u> is enclosed |
| <input type="checkbox"/> Design Patent Application Transmittal | <input type="checkbox"/> Unexecuted Declaration/Power of Attorney | <input type="checkbox"/> Check for \$ <u> </u> is enclosed |
| <input type="checkbox"/> Continuing Prosecution Application Request | <input checked="" type="checkbox"/> Assignment/Assignment Recordation Form Cover Sheet (PTO-1595) | <input type="checkbox"/> Charge \$ <u> </u> to Deposit Account |
| <input type="checkbox"/> Provisional Application Cover Sheet | <input type="checkbox"/> Claim for Convention Priority w/ <u> </u> certified copy(s) | <input type="checkbox"/> |
| <input type="checkbox"/> Provisional Application Transmittal | <input type="checkbox"/> Preliminary Amendment | <input type="checkbox"/> |
| <input type="checkbox"/> Continuation/Divisional Application (Rule 1.53(b)) with copy of application | <input checked="" type="checkbox"/> Information Discl. Statement Transmittal Letter | <input type="checkbox"/> |
| <input type="checkbox"/> Request for Continued Examination | <input checked="" type="checkbox"/> Information Disclosure Citation (PTO-1449) | <input type="checkbox"/> |

INCLUDING:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Specification (pages 1 - <u>33</u>) | <input type="checkbox"/> Information Disclosure Statement w/ <u>5</u> document(s) |
| <input checked="" type="checkbox"/> Claims (claim(s) 1 - <u>36</u> , <u>6</u> pgs.) | <input type="checkbox"/> Petition for <u> </u> Month Extension of Time |
| <input checked="" type="checkbox"/> Drawings (Fig(s). 1 - <u>8E</u> , <u>13</u> pgs.) | <input type="checkbox"/> Constructive Petition for Extensions of Time |
| <input checked="" type="checkbox"/> Abstract of the Disclosure | <input type="checkbox"/> Bibliographic Data Entry Form |

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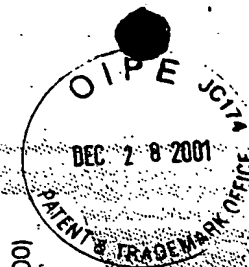
Inventor: Per JOHANSSON et al. Appln. No. Unassigned
Docket No.: 040000-854 Work Atty: RLG/KAW:ats Date: November 28, 2001
Title: FLEXIBLE INTER-NETWORK COMMUNICATION SCHEDULING

The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Utility Patent Application Transmittal | <input checked="" type="checkbox"/> Executed Declaration/Power of Attorney | <input checked="" type="checkbox"/> Check for \$ <u>1,198.00</u> is enclosed |
| <input type="checkbox"/> Design Patent Application Transmittal | <input type="checkbox"/> Unexecuted Declaration/Power of Attorney | <input type="checkbox"/> Check for \$ <u> </u> is enclosed |
| <input type="checkbox"/> Continuing Prosecution Application Request | <input checked="" type="checkbox"/> Assignment/Assignment Recordation Form Cover Sheet (PTO-1595) | <input type="checkbox"/> Charge \$ <u> </u> to Deposit Account |
| <input type="checkbox"/> Provisional Application Cover Sheet | <input type="checkbox"/> Claim for Convention Priority w/ <u> </u> certified copy(s) | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> Provisional Application Transmittal | <input type="checkbox"/> Preliminary Amendment | |
| <input type="checkbox"/> Continuation/Divisional Application (Rule 1.53(b)) with copy of application | <input checked="" type="checkbox"/> Information Discl. Statement Transmittal Letter | |
| <input type="checkbox"/> Request for Continued Examination | <input checked="" type="checkbox"/> Information Disclosure Citation (PTO-1449) | |
| | <input checked="" type="checkbox"/> Information Disclosure Statement w/ <u>5</u> document(s) | |
| | <input type="checkbox"/> Petition for <u> </u> Month Extension of Time | |
| | <input type="checkbox"/> Constructive Petition for Extensions of Time | |
| | <input type="checkbox"/> Bibliographic Data Entry Form | |
- INCLUDING:
- ☒ Specification (pages 1 - 33)
 - ☒ Claims (claim(s) 1 - 36, 6 pgs.)
 - ☒ Drawings (Figs. 1 - 8E, 13 pgs.)
 - ☒ Abstract of the Disclosure

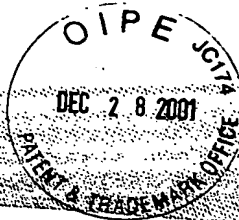
10858 U.S. PTO
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11/28/01

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FIRST CLASS MAIL PERMIT NO. 782 ALEXANDRIA, VA
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BURNS, DOANE, SWECKER & MATHIS, L.L.P.
PO BOX 1404
ALEXANDRIA, VA 22313-9984



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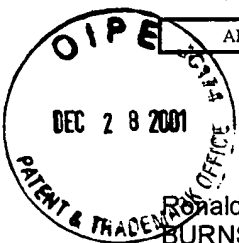
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WASHINGTON, D.C. 20231
www.uspto.gov



APPLICATION NUMBER

09/994,803

FILING/RECEIPT DATE

11/28/2001

FIRST NAMED APPLICANT

Per Johansson

ATTORNEY DOCKET NUMBER

040000-854

CONFIRMATION NO. 8832

FORMALITIES LETTER



OC000000007176145

Ronald L. Grudziecki
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, VA 22313-1401

Date Mailed: 12/10/2001

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

*A copy of this notice **MUST** be returned with the reply.*

MT3
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

02/05/2002 CCHAU1 00000076 09994803

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